

CIVIL REVISION APPLICATION NO.199/2000

Shri Damodar Pundalik
Naik, resident of House
Near Church, Loutolim. ... Petitioner.

Versus

M/s. Goa Transport Ltd.,
a transport company having
its registered office at
Abade Faria Rd., Margao,
being represented by its
Chairman of the Board of
Directors, Shri Durganand
Sanvordekar, r/o Margao, Goa. ... Respondent.

Shri J. E. Coelho Pereira, Sr. Advocate with Ms. Sheru
Shirdokar, advocate for the respondent.

CORAM: F. I. REBELLO, J.

DATE: 10th January, 2002.

ORAL JUDGMENT

The petitioner though served, is not present.

2. The petitioner obstructed the execution of the decree on the ground that he has no means to pay the decretal amount and in those circumstances contended that the ratio of the judgment of the Apex Court in **Jolly George Varghese & Anr. vs. The Bank of Cochin**, AIR 1980 SC 470, should apply to his case.

3. In para 3 of the Order of the Executing Court, reference is made to the affidavit of assets filed dated April, 1999, which shows that the judgment-debtor has purchased one house under hire

purchase agreement, from the Goa Housing Board. It is, therefore, clear that the ratio of the judgment in **Jolly George Varghese (supra)** will not apply to the petitioner. That being the case, no interference is called for with the order of the trial Court.

4. Civil Revision Application dismissed.

F.I. REBELLO, J.